

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

EUGENE NATHANIEL ARNOLD, III,

Case No. 23-CV-2805 (PJS/DLM)

Petitioner,

v.

ORDER

JOEL BROTT,

Respondent.

EUGENE NATHANIEL ARNOLD, III,

Case No. 23-CV-2806 (PJS/DLM)

Petitioner,

v.

SHERIFF DAWANNA WITT,

Respondent.

This matter is before the Court on the objections of petitioner Eugene Arnold to the October 18, 2023, Report and Recommendation (“R&R”) of Magistrate Judge Douglas L. Micko. Judge Micko recommends that Arnold’s habeas petitions be dismissed without prejudice for failure to exhaust state remedies. The Court has conducted a de novo review. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court overrules Arnold’s objections and adopts Judge Micko’s R&R.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Petitioner's objections [Case No. 23-CV-2805, ECF Nos. 9, 11; Case No. 23-CV-2806, ECF Nos. 10, 13] are OVERRULED.
2. The Report and Recommendation [Case No. 23-CV-2805, ECF No. 8; Case No. 23-CV-2806, ECF No. 9] is ADOPTED.
3. Petitioner's petitions for writ of habeas corpus [Case No. 23-CV-2805, ECF No. 1; Case No. 23-CV-2806, ECF No. 1] are DISMISSED WITHOUT PREJUDICE.
4. Petitioner's applications to proceed *in forma pauperis* [Case No. 23-CV-2805, ECF No. 5; Case No. 23-CV-2806, ECF No. 7] are DENIED.
5. No certificates of appealability will issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 28, 2023

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge
United States District Court